



DATE: June 17, 2015

AGENDA ITEM # 3

TO: Design Review Commission
FROM: Zachary Dahl, Senior Planner
SUBJECT: 15-V-06 – 5770 Arboretum Drive

RECOMMENDATION:

Approve variance application 15-V-06 subject to the findings

PROJECT DESCRIPTION

This project is a variance to allow 72 percent of the front yard setback area to be impervious, where a maximum of 50 percent is allowed in the R1-20 Zone District.

GENERAL PLAN DESIGNATION: Single-Family, Residential
ZONING: R1-20
PARCEL SIZE: 22,196 square feet

BACKGROUND

The subject property is located in the Woodland Acres neighborhood, which was developed while under jurisdiction of the County of Santa Clara. In 2006 it was annexed into the City of Los Altos. There does not appear to have been a front yard impervious area limit under the County's jurisdiction and many of the existing houses in the Woodland Acres neighborhood, including several adjacent properties, appear to have a significant amount of hardscape in their front yards.

On December 19, 2012, the Design Review Commission approved a new two-story house with a basement on the subject property. The approval included variances to allow for reduced setbacks in the front yard and on both side yards, and to allow for a portion of the roof to encroach into the left side daylight plane. A building permit was issued on June 19, 2013 and the house is currently under construction.

DISCUSSION

The subject property is located on the west side of Arboretum Drive between Fir Lane and Mimosa Court. The lot contains steep slopes and drops approximately 40 feet from the edge of the street to the rear property line. As part of the approved site plan, the owner will be installing new landscaping, street trees and hardscape in the front yard and along Arboretum Drive. The driveway will maintain its existing curve that slopes down from the street to the garage, but the owner is seeking to install additional paving area for an uncovered parking space on the right side, a walkway that connects the front door to the street and a walkway around the side of the garage that connects

to the left side yard space (where the trash cans will be stored). However, these additional hardscape features will result in the project exceeding the maximum allowable impervious area for a front yard setback.

Due to the sloping topography of the lot, there is a change in grade that ranges from five to nine feet from the edge of the street to the front of the house. Due to this slope, the driveway occupies a large portion of the front yard and precludes the ability to have walkways and other hardscape features that are typical for a residential front yard. In order to allow for the additional walkways and parking space to be included in the project, the owner has submitted a request for a variance from the 50 percent impervious limit in the front yard area. A letter from the owner that provides additional information about the variance request is included in Attachment B.

In order to approve a variance, the Commission must make three positive findings per Section 14.76.060 of the Zoning Code:

1. The granting of the variance will be consistent with the objectives of the City's zoning plan;
2. The granting of the variance will not be detrimental to the health, safety, or welfare of persons living or working in the vicinity or injurious to property or improvements in the vicinity; and
3. Variances from the provisions of the Zoning Code shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location, or surroundings, the strict application of the provisions of this chapter deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classifications.

The granting of a variance to allow for additional impervious area in the front yard setback would be consistent with the objectives of the zoning ordinance. The intent of the impervious limit is to reduce the visual impact of excessive hardscape in a front yard along a street frontage. The project would meet the intent of the Zoning Code by providing ample landscaping and street trees in the front yard. The sloping topography also limits the visibility of the driveway from the street. The additional hardscape for the parking space and walkways would allow the property owner to reasonably utilize and enjoy the front portion of their property.

The additional front yard impervious area would not be detrimental to the health, safety, or welfare of persons living or working in the vicinity or injurious to property or improvements in the vicinity. Due to the slope of the front yard and proposed landscaping, the additional impervious area will be minimally perceptible from the street or on adjacent properties.

There is a special circumstance applicable to the property due to the sloping topography of the lot. Strict application of the Zoning Code would deprive the subject property of privileges enjoyed by other property in the vicinity and under identical zoning classifications since many of the nearby properties have large driveways and impervious areas in their front yards.

ENVIRONMENTAL REVIEW

This project is categorically exempt from environmental review under Section 15303 of the Environmental Quality Act because it involves the construction of a single-family house.

PUBLIC CONTACT

A public hearing notice was published in the *Town Crier*, posted on the property and mailed to all property owners within 500 feet of the property for the June 17, 2015 Design Review Commission hearing. The mailed notice included 46 property owners.

Cc: Steve and Anne Decker, Applicant and Owner

Attachments:

- A. Application
- B. Applicant Letter
- C. Area, Vicinity and Notification Maps

FINDINGS

15-V-06 – 5770 Arboretum Drive

With regard to allowing over 50 percent of the front yard setback area to be impervious, the Design Review Commission finds the following in accordance with Section 14.76.060 of the Municipal Code:

- a. The granting of the variance will be consistent with the objectives of the zoning plan set forth in Article 1 of Chapter 14.02;
- b. The granting of the variance will not be detrimental to the health, safety, or welfare of persons living or working in the vicinity or injurious to property or improvements in the vicinity; and
- c. There is a special circumstance applicable to the property due to the sloping topography of the lot. Strict application of the Zoning Code would deprive the subject property of privileges enjoyed by other property in the vicinity and under identical zoning classifications since many of the nearby properties have large driveways and impervious areas in their front yards.



**CITY OF LOS ALTOS
GENERAL APPLICATION**

Type of Review Requested: *(Check all boxes that apply)*

Permit # 1106681

<input type="checkbox"/>	One-Story Design Review	<input type="checkbox"/>	Commercial/Multi-Family	<input type="checkbox"/>	Environmental Review
<input type="checkbox"/>	Two-Story Design Review	<input type="checkbox"/>	Sign Permit	<input type="checkbox"/>	Rezoning
<input checked="" type="checkbox"/>	Variance	<input type="checkbox"/>	Use Permit	<input type="checkbox"/>	R1-S Overlay
<input type="checkbox"/>	Lot Line Adjustment	<input type="checkbox"/>	Tenant Improvement	<input type="checkbox"/>	General Plan/Code Amendment
<input type="checkbox"/>	Tentative Map/Division of Land	<input type="checkbox"/>	Sidewalk Display Permit	<input type="checkbox"/>	Appeal
<input type="checkbox"/>	Historical Review	<input type="checkbox"/>	Preliminary Project Review	<input type="checkbox"/>	Other:

Project Address/Location: 5770 ARBORETUM

Project Proposal/Use: PRIMARY RESIDENCE Current Use of Property: _____

Assessor Parcel Number(s): 342-04-017 Site Area: 22,196

New Sq. Ft.: NA Altered/Rebuilt Sq. Ft.: NA Existing Sq. Ft. to Remain: NA

Total Existing Sq. Ft.: NA Total Proposed Sq. Ft. (including basement): NA

Applicant's Name: STEVE & ANNE DECKER

Telephone No.: 408-203-6516 Email Address: steve@thedeckerfamily.com

Mailing Address: 5770 ARBORETUM

City/State/Zip Code: LOS ALTOS, CA 94024

Property Owner's Name: STEVE & ANNE DECKER

Telephone No.: _____ Email Address: _____

Mailing Address: (SAME AS ABOVE)

City/State/Zip Code: _____

Architect/Designer's Name: ARCHITECT = DARYL FAZEKAS^{YL} LANDSCAPE PLAN - STEVE DECKER

Telephone No.: (408) 395-9100 Email Address: DARYL FAZEKAS @ GMAIL

Mailing Address: 15621 LOMA VISTA

City/State/Zip Code: LOS GATOS, CA 95032

*** If your project includes complete or partial demolition of an existing residence or commercial building, a demolition permit must be issued and finalized prior to obtaining your building permit. Please contact the Building Division for a demolition package. ***

Design Review Commission (DRC)
Community Development Department
City of Los Altos

Request to Add Additional Hardscape to compensate for slope in front yard

Members of the Design Review Commission,

The purpose of this letter is to respectfully request we be allowed to increase the amount of hardscape in the front yard setback.

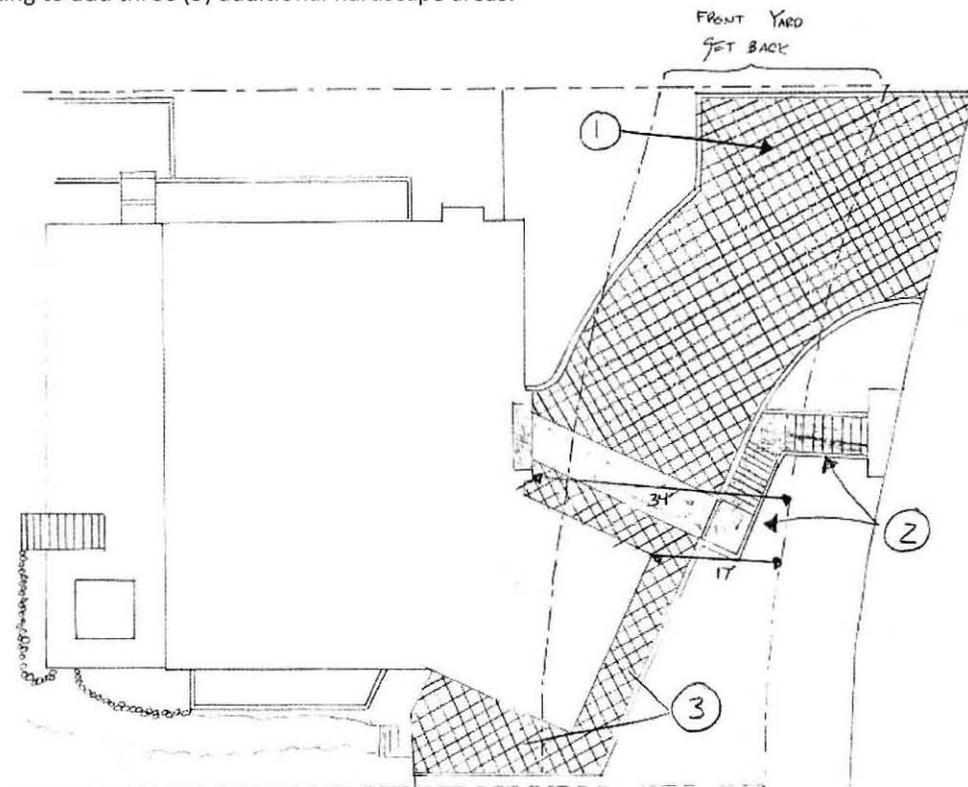
The rules limit hardscape to a maximum of 50% of the total area within the setback. If approved, the proposed hardscape would comprise 72% of the total area with the setback.

What is driving this request?

There is a 10 foot different between the street level and the floor of the garage. This creates a relatively steep slope in the front yard.

What are we asking for?

We are asking to add three (3) additional hardscape areas:



1) Add a Parking Spot

The curved steep driveway make it challenging to park cars two abreast.

This area spot will allow for a) the charging of an electric vehicle outside the garage b) one car to enter/exit the garage without moving the parked car.

2) Add steps to create a safer travel way to travel from the street to the home entrance.

The garage and front door is 8 feet below street level creating a moderately steep driveway. Steps provide a safer way to approach the home

3) Add a way to access the back of the garage

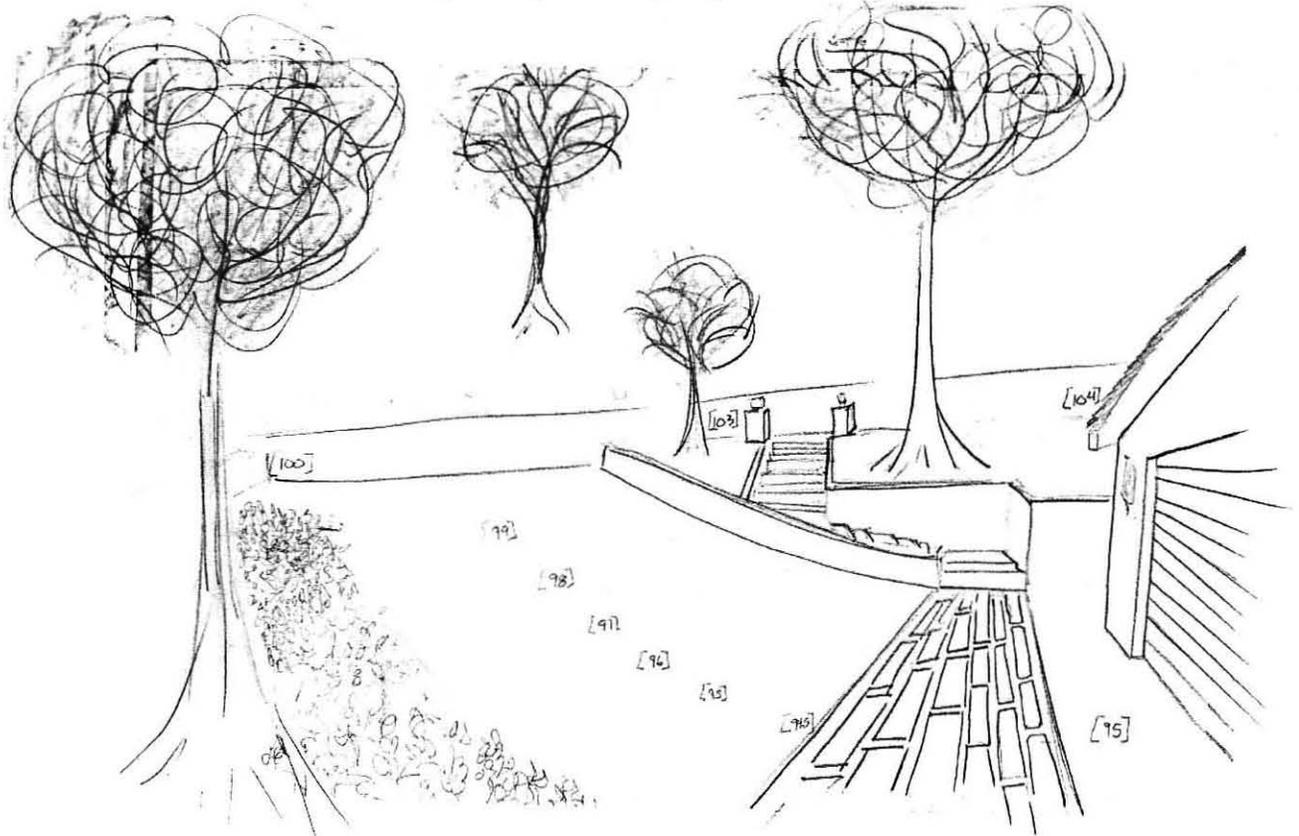
This path will allow for access to the backyard and area behind the garage without going *through* the garbage. It is important to note that. This path is 10 feet below street level and not visible from the street.

We would respectfully submit that the intent of the 50% rule is to ensure a pleasing, inviting, and lush landscape for the front yard and maintain appeal of the home when viewed from the street.

While the steep elevation is the driver for these requests, the slope also effectively shields the view of parts of the hardscape.

These factors, when combined with the trees, plants, and shrubs still meet the goal of having a generous and inviting landscape for the front yard of our home.

View from the front door facing the street.

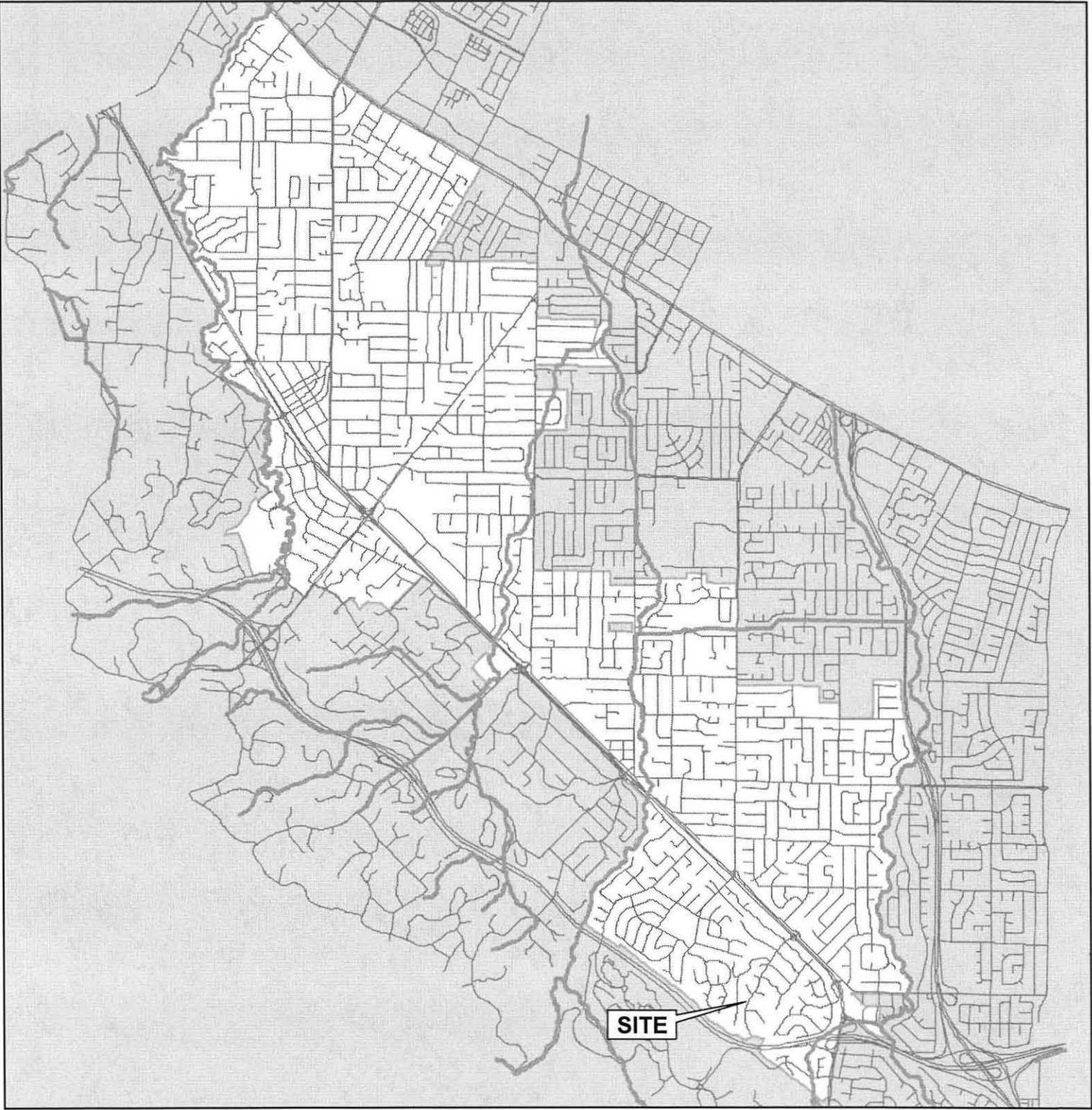


Thank you for your time and consideration,

Kind regards,

The Decker Family
Steve, Anne, Cory, Kayla, & Brooke
5770 Arboretum

AREA MAP



CITY OF LOS ALTOS

APPLICATION: 15-V-06
APPLICANT: S. and A. Decker
SITE ADDRESS: 5770 Arboretum Drive

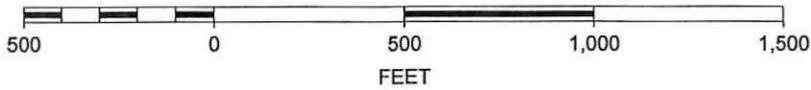


Not to Scale

VICINITY MAP



SCALE 1 : 6,000



CITY OF LOS ALTOS

APPLICATION: 15-V-06
APPLICANT: S. and A. Decker
SITE ADDRESS: 5770 Arboretum Drive

5770 Arboretum Drive Notification Map



SCALE 1 : 2,950

